

MEMORANDUM

Agenda Item No.6(H)

107.07-17A MIAMI-DADE/GSA-MAT. MGT.

TO: Honorable Chairperson and Members
Board of County Commissioners

FROM: 
George Burgess
County Manager

(Second Reading 7-22-03)

DATE: July 8, 2003

SUBJECT: Landscaper Program
Revision

RECOMMENDATION

It is recommended that the Board approve the attached Ordinance to revise the Landscaper Program administered by the Department of Solid Waste Management (DSWM). The revised program will allow landscaping businesses, located in Miami-Dade County, access to the Neighborhood Trash and Recycling Centers (TRC's), County landfills, and the Resources Recovery facility, for disposal of clean yard trash, provided they have a valid permit from the DSWM and pay a disposal fee. The cost of the permit is \$225 and \$80 per motor vehicle used in the business, which is unchanged from the previous program. Disposal fee revenue from the revised Landscaper Program is estimated to reduce expenditures from the DSWM Collections Fund by approximately \$7 million annually. Collections Fund revenues are derived primarily from the annual waste fee paid by our residential customers.

BACKGROUND

The landscaping permit program was established in 1992 with the Board of County Commissioners adoption of the Landscaping Ordinance. The Ordinance allowed landscaping businesses that derive 75% or more of the total volume of clean yard trash from residential units in the service areas, to use TRC's for free. Subsequently, permitted landscapers were allowed to dispose of clean yard trash at County-owned landfills.

The purpose of the program was to provide clean yard trash for the County's mulching program, which contributed towards the County's attaining the State's 30% recycling goal. The program provided a benefit to the landscapers and service area customers. Permitted landscapers were allowed free delivery of clean yard trash generated by their residential customers in the service area, and customers received free mulch.

In 1995, the mulching program was discontinued due to the Citrus Canker outbreak, however, the landscaping program remained in place. Over the years the amount of yard trash being delivered for free has increased dramatically. A review of the program indicated that some landscapers were delivering large amounts of yard trash from commercial establishments, surrounding municipalities and neighboring Counties.

In an attempt to address these issues, the Department revised the landscaping program approved through the County's budget process in FY 02-03. The program limits disposal locations for participants to only the South Dade and North Dade landfills. Also limited are the number of free visits to the landfill and the number of vehicles used by a permitted landscaping business. Following its adoption, many small landscaping businesses brought their concerns with the above elements of the new program to the attention of the Department.

The implementation of the revised landscaping program was suspended to allow the Department to work with the landscaping industry in addressing their concerns (R-1149 - 02). During this period the landscapers continue to use the TRC's and the landfills for free disposal of clean yard trash. Several very productive meetings were held with the landscapers and their representatives to discuss their concerns. The results of which are reflected in the proposed Ordinance. The following are the primary elements of the proposed Ordinance:

- Landscapers will be allowed unlimited access to the TRC's, County-owned landfills and the Resources Recovery facility, for disposal of clean yard trash.
- For each visit to a TRC, the permitted vehicle will be charged a uniform disposal fee based on cubic yards (one payment coupon per visit).
- The estimated cubic yard capacity of a pick-up truck or van is 6 cubic yards. The cubic yard capacity of a trailer, based on the proposed Code definition, is 13 cubic yards. The proposed disposal fee rates per visit are \$18 for the pick-up truck or van and \$60 for the trailer. These rates include an allowance of 3 cubic yards per visit for clean yard trash, which is presumed to be prepaid by County waste collection customers as part of their annual waste fee. This pricing structure is intended to discourage the use of trailers at the TRC's due to operational concerns regarding maneuverability and traffic flow.
- For each visit to a County Landfill or the Resources Recovery Facility, permitted landscapers will be charged a disposal fee based on the full cubic yard capacity of the permitted vehicle.
- The fee at the County landfills and the Resources Recovery facility is proposed at \$6.00 per cubic yard.
- In recognition that many landscapers have existing contracts that do not incorporate imposition of a charge for clean yard trash disposal, the DSWM proposes a seven months phase-in period. From September 1, 2003 through March 31, 2004 the landfills and Resources Recovery facility disposal fee would be reduced by half, after which the full fee would be charged.

FISCAL IMPACT

The original permitted landscaper program cost the DSWM Collections Fund approximately \$9 million to \$12 million annually. The landscaping program adopted during the annual budget process in FY 02-03 was to have reduced this cost by approximately \$5.5 million annually (program not implemented). The proposed landscaping program is intended to reduce expenditures from the DSWM Collections Fund by approximately \$7 million annually.




MEMORANDUM

(Revised)

TO: Honorable Chairperson and Members
Board of County Commissioners

DATE: July 22, 2003

FROM: 
Robert A. Ginsburg
County Attorney

SUBJECT: Agenda Item No. 6(H)

Please note any items checked.

- ☐ "4-Day Rule" ("3-Day Rule" for committees) applicable if raised
- ☐ 6 weeks required between first reading and public hearing
- ☐ 4 weeks notification to municipal officials required prior to public hearing
- ☐ Decreases revenues or increases expenditures without balancing budget
- ☐ Budget required
- ☐ Statement of fiscal impact required
- ☐ Bid waiver requiring County Manager's written recommendation
- ☐ Ordinance creating a new board requires detailed County Manager's report for public hearing
- ☐ Housekeeping item (no policy decision required)
- ☐ No committee review

Approved _____ Mayor

Veto _____

Override _____

Agenda Item No. 6 (H)

7-22-03

ORDINANCE NO. _____

ORDINANCE AMENDING THE CODE OF MIAMI-DADE COUNTY SECTIONS 15-1, 15-6, 15-17, 15-17.1, 15-17.8, 15-17.9, 15-25 RELATING TO LANDSCAPING BUSINESSES AMENDING DEFINITIONS, DISPOSAL LOCATIONS, AND PERMIT APPLICATION REQUIREMENTS; AND AMENDING SECTION 8CC-10 RELATING TO SCHEDULE OF CIVIL PENALTIES; PROVIDING SEVERABILITY, INCLUSION IN THE CODE AND AN EFFECTIVE DATE

**BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS
OF MIAMI-DADE COUNTY, FLORIDA:**

Section 1. Section 15-1 of the Miami-Dade County Code is hereby amended
to read as follows:¹

Sec. 15-1 Definitions.

The following words and phrases when used in this chapter shall have the meanings ascribed to them in this section.

* * *

~~[[(d) Cargo van: An enclosed vehicle designed to haul cargo, having a gross vehicle weight (GVW) of not more than eleven thousand pounds (11,000) with a minimum of one (1) horizontally sliding or hinged cargo area access door and two (2) hinged forward passenger doors.~~

~~(e)]~~ >>(d)<< Clean yard trash: Yard trash free of other forms of solid waste.

¹ Words stricken through and/or [[double bracketed]] shall be deleted. Words underscored and/or >>double arrowed<< constitute the amendment proposed. Remaining provisions are now in effect and remain unchanged.

[[~~(f)~~]] >>(e)<< Commercial establishment: Any structure used or constructed for use for business operations. For purposes of this chapter, hotels and motels are commercial establishments. The term “commercial establishment” shall not include any residential unit or multi-family residential establishment.

[[~~(g)~~]] >>(f)<< Commingled yard trash: Yard trash mixed with other forms of solid waste.

[[~~(h)~~]] >>(g)<< Composting: Controlled biological decomposition of organic materials.

[[~~(i)~~]] >>(h)<< Construction and demolition debris: Discarded material generally considered not to be water-soluble or hazardous, including, without limitation, steel, concrete, glass, brick, asphalt roofing material, or lumber from a construction or demolition project. Commingling construction and demolition debris with any amount of other types of solid waste will cause it to be classified as other than construction and demolition debris.

[[~~(j)~~]] >>(i)<< Containerized waste: Solid waste (other than solid waste requiring special handling) which is placed in cans, plastic garbage bags or bulk containers, or in bundles, in the case of bundled yard trash.

[[~~(k)~~]] >>(j)<< County Solid Waste Management System: The aggregate of those solid waste management facilities owned by or operated under contract with Dade County.

[[~~(l)~~]] >>(k)<< County-wide solid waste service area: The entire geographical area of Dade County, to which the department provides solid waste management services.

[[~~(m)~~]] >>(l)<< Curbside: The area between the sidewalk and the street edge, or, in areas without sidewalks, the area between the edge of the traveled portion of any public or private street and the property line, which area shall not exceed ten (10) feet.

[[~~(n)~~]] >>(m)<< Customer: A person who uses the solid waste or recycling collection services of a permitted hauler or the appropriate governmental agency.

[[~~(e)~~]] >>(n)<< Delivery: The bringing of solid waste or recyclable material to a solid waste management facility for the purpose of resource recovery, disposal, recycling, processing, transfer, or storage.

[[~~(p)~~]] >>(o)<< Department: The Dade County Department of Solid Waste Management.

[[~~(q)~~]] >>(p)<< Director: The Director of the Department of Solid Waste Management or person(s) designated by the Director.

[[~~(r)~~]] >>(q)<< Dumping: Throwing, discarding, placing, depositing or burying any solid waste in an area or manner not permitted by the Code of Metropolitan Dade County.

[[~~(s)~~]] >>(r)<< Facility: Anything that is built or purchased to make an action or operation easier or to serve a special purpose.

[[~~(t)~~]] >>(s)<< Garbage: Any accumulation of animal, fruit or vegetable matter that attends the preparation, use, cooking and dealing in, or storage of, edibles, and any other matter, of any nature whatsoever, which is subject to decay, putrefaction and the generation of noxious or offensive gases or odors, or which, during or after decay, may serve as breeding or feeding material for flies or other germ-carrying insects.

[[~~(u)~~]] >>(t)<< Garbage can; A container made of galvanized metal, durable plastic or other similar material capable of containing garbage, with a capacity of not less than twenty (20) gallons and not more than thirty-two (32) gallons and having the following characteristics: (1) at least two (2) handles upon the sides or bail by which it may be lifted; (2) sufficient strength for workmen to empty conveniently; (3) a tight-fitting metal or plastic top with handle; (4) construction as to permit the free discharge of its contents; and (5) no inside structures such as inside bands and reinforcing angles or anything within the container to prevent the free discharge of the contents.

[[~~(v)~~]] >>(u)<< Hazardous waste: Solid waste which, because of its quantity, concentration, or physical, chemical or infectious characteristics, may when improperly transported, disposed of, stored, treated or otherwise

managed, cause, or significantly contribute to, an increase in mortality, or an increase in serious irreversible or incapacitating reversible illness, or may pose a substantial present or potential hazard to human health or the environment when improperly transported, disposed of, stored, treated or otherwise managed.

[(w)] >>(v)<< Industrial waste: Condemned food products, or solid waste resulting from the following activities or operations of the following facilities: (1) canneries; (2) slaughterhouses or meat packing plants; (3) brick, concrete block, roofing shingle or tile plants; and (4) land clearing, excavating, building, rebuilding and altering of buildings, structures, roads, streets, sidewalks, or parkways. Industrial waste shall also include any solid waste materials which, because of their volume or nature, do not lend themselves to collection and incineration commingled with ordinary garbage and trash, or which, because of their nature or surrounding circumstances should be, for reasons of safety or health, disposed of more often than the County collection service schedule provided for in this chapter.

[(x)] >>(w)<< [~~Small owner operator landscaping~~] >>Landscaping << business: Any [(resident)] >>person operating a business in<< [(of)] Miami-Dade County >>that is<< engaged in the business of creating or maintaining landscaped areas, including tree trimming and tree removal [~~and who utilizes not more than one automotive vehicle registered in Miami Dade County, with a gross vehicle weight rating not exceeding 6,800 pounds~~].

[(y)] >>(x) << Litter: Solid waste, in any amount, which is not containerized.

[(z)] >>(y) << Mixed paper: Paper material free of any solid waste. Mixed paper shall include, without limitation, white ledger, colored ledger, discarded letters and envelopes, computer paper and office paper. For purposes of this chapter, the term "mixed paper" shall not include newspaper and cardboard or solid waste shall cause it to be classified as other than mixed paper.

[(aa)] >>(z)<< Modified recycling program: An operation, approved by the Department, which provides for the

recycling of recyclable material by a method varying from the requirements of Section 15-2.2 or Section 15-2.3.

[[~~(bb)~~]] >>(aa)<< Multi-family residential establishment: Any structure other than a residential unit which is used, or constructed for use, as a multiple-dwelling facility. Multi-family residential establishments shall include without limitation, rooming house, tourist court, trailer park, bungalow court, apartment building with rental or cooperative apartments, or multiple story condominiums with common means of ingress and egress.

[[~~(ee)~~]] >>(bb)<< Neighborhood trash and recycling center: A neighborhood site, maintained by the Department, for use by residents of unincorporated Miami-Dade County, >>municipalities<< served by Miami-Dade County for solid waste collections [[~~municipalities~~]] >>and landscaping businesses that have a current permit issued in accordance with Section 15-17.1 of this Code,<< to deposit household-generated bulky waste such as clean yard trash; white goods; construction and demolition debris; and other household items; and where collection of such items is provided for, recyclable items. Bulky waste shall be presumed to be other than household-generated, and shall be rejected, if delivery to a neighborhood trash and recycling center is attempted by means other than the Following: (1) hand; (2) automobile; (3) [[~~passenger~~]] van; or (4) pick-up truck [[~~; or (5) cargo van~~]].

[[~~(dd)~~]] >>(cc)<< Noncombustible solid waste: Solid waste that is not burnable at ordinary incinerator temperature which shall include, without limitation, metals, mineral matter, large quantities of glass or crockery, metal furniture, auto bodies or parts, and other similar material not usual to housekeeping or to operation of commercial establishments.

[[~~(ee)~~]] >>(dd)<< Ordinary incinerator temperature: Eight hundred (800) degrees to one thousand eight hundred (1,800) degrees Fahrenheit.

[[~~(ff)~~]] ~~Passenger van: An enclosed vehicle designed to carry passengers having a gross vehicle weight (GVW) of not more than ten thousand (10,000) pounds and passenger carrying capacity of not more than six thousand two hundred (6,200) pounds, with a minimum of one (1)~~

~~sliding or hinged passenger area access door and two (2) hinged forward passenger door.~~

~~(gg)]~~ >>(ee)<< Permittee: Any person who obtains a permit from the Department.

~~[(hh)]~~ >>(ff)<< Person: Any natural person, individual, public or private corporation, firm, partnership, association, joint venture, municipality, governmental agency, political subdivision, public officer, or any other entity whatsoever, or any combination of such, jointly or severally.

~~[(ii)]~~ >>(gg)<< Pick-up truck: A >>light<< truck ~~[[manufactured to be fitted with an open cargo bed]]~~ having a gross vehicle weight (GVW) of not more than ~~[[eleven thousand (11,000)]]~~ >>fifteen thousands (15,000)>> pounds >> manufactured with a fixed open cargo bed, which bed does not exceed the width nor the height of the cab and is no longer than eight (8) feet.<<

~~[(jj)]~~ >>(hh)<< Plastic garbage bag: A polyethylene or other heavy-duty plastic bag which meets the National Sanitation Foundation standard for thickness of one and five-tenths (1.5) mils, has a capacity not to exceed (32) gallons, and has a securing mechanism.

~~[(kk)]~~ >>(ii)<< Portable container: A dumpster, rollaway or other similar container designed for mechanized collection.

~~[(H)]~~ >>(jj)<< Private solid waste hauler (collector); Private hauler; Hauler: Any person, entity, corporation, or partnership having a current permit issued in accordance with Section 15-17.1 of this Code that removes, collects or transports for hire any solid waste over the streets or public rights-of-way within any unincorporated area of the County.

~~[(mm)]~~ >>(kk)<< Recyclable material: Any material which is capable of being recycled and which, if not recycled, would be processed and disposed of as solid waste. The term "recyclable material" shall include green glass, brown glass and clear glass; aluminum and steel cans and scrap metal; plastic containers, mixed paper, newspaper, corrugated cardboard, office paper and phonebooks. Any recyclable material mixed with solid waste shall be considered to be solid waste.

~~[(nn)]~~ >>(ll)<< Recycling container: Receptacle used for recyclable material.

~~[(oo)]~~ >>(mm)<< Recycling program: An operation which provides for the separate gathering, storage, collection and marketing of recyclable material.

~~[(pp)]~~ >>(nn)<< Recycling services: Business activities related to the buying, selling, trading, marketing, transferring, separating, collecting or processing of recyclable material. Such service shall include the proper handling and disposal of any portion of collected recyclable material deemed unusable or unmarketable.

~~[(qq)]~~ >>(oo)<< Residential unit: Any structure which is used, or constructed for use, as a single-family dwelling, duplex, cluster house, or townhouse, and which is located on a single lot, parcel or tract of land. For the purposes of this chapter, any condominium structure composed of privately owned, single-family housing units with separate means of ingress and egress and containing no more than two (2) stories shall be considered a residential unit. The term residential unit shall not include any multi-family residential establishment.

~~[(rr)]~~ >>(pp)<< Resource recovery: The process of recovering materials or energy from solid waste, excluding those materials or solid waste under control of the Nuclear Regulatory Commission.

~~[(ss)]~~ >>(qq)<< Resource recovery and management facility: Any facility the purpose of which is disposal, recycling, incineration, processing, storage, transfer, or treatment of solid or liquid waste; but for the purpose of permitting does not include sewage treatment, industrial waste treatment, or facilities exclusively within state or federal jurisdiction.

~~[(tt)]~~ >>(rr)<< Service unit: An area located in any commercial establishment which provides four (4) sleeping rooms or a fraction thereof, where no cooking facilities are provided.

~~[[Small owner operator landscaping business: Any resident of Miami Dade County engaged in the business of creating~~

~~or maintaining landscaped areas, including tree trimming and tree removal and who utilizes not more than one automotive vehicle registered in Miami Dade County, with a gross vehicle weight rating not exceeding 6,800 pounds.]]~~

[[~~(uu)~~]] >>(ss)<< Solid waste: Garbage, trash, litter, yard trash, hazardous waste, construction and demolition debris, industrial waste, or other discarded material, including solid or contained gaseous material resulting from domestic, industrial, commercial, mining, agricultural, or governmental operations.

[[~~(vv)~~]] >>(tt)<< Solid waste collection service area: That portion or entirety of the county-wide solid waste service area to which the department provides curbside garbage and trash collection service.

[[~~(ww)~~]] >>(uu)<< Solid waste disposal: Disposition of solid waste by means of combustion, landfilling or other final method of discard.

[[~~(xx)~~]] >>(vv)<< Solid waste management facility: Any solid waste disposal area, volume reduction plant, transfer station or other facility, the purpose of which is resource recovery or the disposal, recycling, processing, transfer or storage of solid waste.

[[~~(yy)~~]] >>(ww)<< Solid waste management master plan: A document which shall set forth (a) goal(s), objectives and policies for solid waste management in Dade County, and shall include a comprehensive evaluation, of solid waste management alternatives and recommended actions.

[[~~(zz)~~]] >>(xx)<< Solid Waste Management System Costs: Cost incurred to provide solid waste management services, including, without limitation, (a) cost for construction, reconstruction, or completion, of any facility, (b) the costs of acquisition or purchase of any facility, (c) the cost of labor, materials, machinery and equipment, (d) the cost of fuel, parts, supplies, maintenance, repairs and utilities, (e) the cost of computer services, data processing and communications, (f) the cost of all lands and interest herein, leases, property rights, easements and franchises of any nature whatsoever, (g) the cost of any indemnity or surety bonds and premiums for insurance, (h) the cost of salaries, workers compensation insurance or other

employment benefits, (i) the cost of uniforms, training, travel and per diem, (j) amounts necessary to pay redemption premiums or other costs associated with the early retirement of obligations, (k) the creation of reserve or debt service funds, (l) costs and expenses related to the issuance of obligations, all financing charges and any expenses related to the issuance of obligations, all financing charges and any expenses related to any liquidity facility or credit facility, (m) the cost of construction plans and specifications, surveys and estimates of costs, (n) the cost of engineering, financial, legal and other professional services and, (d) all other costs and expenses properly attributable to providing solid waste management capacity by the County.

[[~~(aaa)~~]] >>(yy)<< Solid waste requiring special handling: Solid waste materials which, because of their quantity, concentration, composition or physical, chemical or infectious characteristics require transportation or disposal in a manner not typical of other solid waste.

[[~~(bbb)~~]] >>(zz)<< Tire: A continuous covering for the wheel of a motor vehicle usually made of rubber reinforced with cords of nylon, fiberglass or other material and filled with compressed air.

>>(aaa) Trailer: An accessory vehicle that is towed by the permitted vehicle. Trailer bed shall not be larger than 6 feet high, 6 feet wide by 10 feet long.<<

[[~~(eee)~~]] >>(bbb)<< Trash: Any accumulation of paper, packing material, rags or wooden or paper boxes or containers, sweeping and all other accumulations of a nature other than garbage, which are usual to housekeeping and to the operation of commercial establishments.

[[~~(ddd)~~]] >>(ccc)<< Unincorporated Dade County: Any part of Dade County not lying within the boundaries of a duly incorporated village, town, or municipality.

[[~~(eee)~~]] >>(ddd)<< Used tire: A tire that is suitable for vehicular use or is suitable for retreading and is intended by the holder thereof to be for vehicular use or rethreading.

>>(eee) Van: A fully enclosed vehicle which is manufactured and marketed by a major automobile manufacturer as a van and which has a gross vehicle weight of not more than 11,000 pounds.<<

(fff) Vegetative food waste: Discarded edible fruit and vegetable matter which is capable of biological decomposition.

(ggg) Waste tire: A tire from a motorize vehicle, that is no longer suitable for its originally intended purpose because of wear, damage or defect, or which is no longer intended by the holder thereof for vehicular use.

(hhh) Waste tire generator: Any person that is either principally or partially engaged in the selling, trading or otherwise transferring of new, used or waste tires, whether such transactions are for cash, barter or without considerations.

(iii) Waste tire transporter: Any person transporting five (5) or more waste tires for hire.

(jjj) Yard trash: Vegetative matter resulting from landscaping and land clearing operations.

Section 2. Section 15-6 of the Miami-Dade County Code is hereby amended

to read as follows:

Sec. 15-6. Littering, dumping and unauthorized delivery prohibited; dumping or burying solid waste without proper authorization; unauthorized delivery of solid waste at neighborhood trash and recycling centers; declared public nuisance; presumption.

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(b) Prohibited act(s). The following shall be unlawful:

(7) Delivery, by any person, of solid waste at any neighborhood trash and recycling center that is not generated from a residential unit located in unincorporated Miami-Dade County or from a

residential unit located in a municipality which is served by the Department for solid waste collection. Bulky waste shall be presumed to be other than household-generated if it is delivered by any person that is other than a resident of the unincorporated service area or a resident of a municipality served by the Department for solid waste collection >>or a landscaping business having a current permit in accordance with Section 15-17.1 of this Code.<<

* * *

>> (12) It shall be unlawful for any permitted landscaping business to cause, let, allow, permit or suffer the delivery of clean yard trash to any neighborhood trash and recycling center or County-owned disposal facility in a vehicle that does not have a permit.

(13) It shall be unlawful for any permitted landscaping business to cause, let, allow, permit or suffer the modification of a permitted vehicle to increase the capacity of the vehicle after the vehicle has been permitted.

(14) It shall be unlawful for any permitted landscaper business to cause, let, allow, permit or suffer the delivery of clean yard trash with a trailer and a van or pick up truck simultaneously. <<

* * *

Section 3. Section 15-17 of the Miami-Dade County Code is hereby amended

to read as follows:

Sec. 15-17. Permits required by the Department of Solid Waste Management.

* * *

Permits issued by the Department are as follows:

* * *

(b) ~~[[Small operator landscaper]]~~ >>Landscaping<< business: Applies to landscaping businesses as a requirement to enable them to >> use neighborhood trash and recycling centers, and (a)<< County-owned solid waste management facility(ies) designated by the Director, for disposal of clean yard trash only.

* * *

Section 4. Section 15-17.1 of the Miami-Dade County Code is hereby amended to read as follows:

Sec. 15-17.1. Application for Permit.

* * *

(d) ~~[[Small owner operator landscaper]]~~ >>Landscaping<< businesses applying for permits to use >>neighborhood trash and recycling centers and/or<< County-owned solid waste management facility(ies) for disposal of clean yard trash shall be exempt from (c) (3) above, and shall instead supply the information specified in Section 15-17.9(d).

* * *

(f)(1) Comprehensive general liability. The applicant shall carry in his own name a policy covering his operations in an amount not less than three hundred thousand dollars (\$300,000.00) per occurrence for bodily injury and fifty thousand dollars (\$50,000.00) for property damage liability. ~~[[Small owner operator]]~~ Landscaping businesses applying to use >>(a) neighborhood trash and recycling center(s) and/or<< County-owned solid waste management facilities for the disposal of clean yard trash shall not, as a condition of the permit to use >>a neighborhood trash and recycling center(s) and/or<< County owned solid waste management facilities, be required to maintain comprehensive general liability insurance. Persons applying for a Waste Tire Generator permit or Waste Tire Transporter permit shall not, as a condition of the permit be required to maintain comprehensive general liability insurance.

* * *

Section 5. Section 15-17.8 of the Miami-Dade County Code is hereby amended to read as follows:

Sec. 15-17.8. Identification of equipment.

All equipment delivering waste to a Miami-Dade County solid waste management facility must be >>identified in the manner described in this section:<< [[conspicuously marked on both sides of the automotive unit with the name of the hauler, Miami Dade County permit number if a permitted hauler, vehicle number, tare weight and cubic yard capacity. Identical information must also be marked on all trailer and container units. — Small owner operator landscaping businesses permitted to use County owned solid waste management facility(ies) to dispose of clean yard trash shall not, as a condition of the permit to use Said facility(ies), be required to display the permit number, vehicle number, tare weight or cubic yard capacity on the automotive unit, but shall be required to display the Miami-Dade County permit in the passenger side windshield.]] All permit decals for any vehicle permitted under this Chapter shall be permanently affixed to the passenger side windshield of the vehicle. Failure to permanently affix said decal shall be unlawful and may be enforced as prescribed in Section 15-32 of this Chapter. All markings must be in letters and numerals at least two (2) inches in height.

>> (a) General hauler permittees: Equipment must be conspicuously and permanently marked on both sides of the automotive unit with the name of the hauler, Miami-Dade County permit number, vehicle number, tare weight and cubic yard capacity. Identical information must also be marked on all trailer and container units.

(b) Landscaping businesses having a valid permit issued by the Department to dispose at other than neighborhood trash and recycling centers: Equipment must be conspicuously and permanently marked on both sides of the automotive unit with the name of the company and vehicle number.

(c) Landscaping businesses having a valid permit issued by the Department to dispose at the neighborhood trash and

recycling centers: Equipment must be conspicuously and permanently marked-on both sides of the automotive unit with the name of the company. <<

Section 6. Section 15-17.9 of the Miami-Dade County Code is hereby amended to read as follows:

Sec. 15-17.9. Information required of permittees.

* * *

(d) ~~[[Small owner operator landscaping]]~~ Landscaping businesses that receive permits to use >>neighborhood trash and recycling centers and/or<< a County-owned solid waste management facility(ies) for disposal of clean yard trash shall be exempt from (a) and (b) above and shall instead supply the following information in a manner prescribed by the Director:

~~[[(1) A list of all accounts served, including name, address and telephone number, identified as either commercial, multi family residential or residential unit.]]~~

>>(1) Miami-Dade County Occupational license as proof of a business location in Miami-Dade County.<<

~~[[(2) An estimate of the total volume of yard trash collected annually from accounts whose yard waste will be disposed of at neighborhood trash and recycling center, by account name, expressed in cubic yards. A minimum of seventy five (75) percent of the total volume of this yard waste must come from residential units in the unincorporated service area or residential units in municipalities that are served by the Department of solid waste management for collection in order for a permit to be issued and maintained.]]~~

~~(3) Proof of vehicle registration in Miami Dade County. Said vehicle not to exceed 6,800 pounds~~

~~gross vehicle weight rating as verified by
automotive vehicle data plate or other comparable
means of verification.~~

~~(4) Proof of residency in Miami-Dade County.]]~~

~~* * *~~

Section 7. Section 15-25 of the Miami-Dade County Code is hereby amended

to read as follows:

**Sec. 15-25. Fees for disposal of solid waste brought to
County solid waste management facilities.**

~~* * *~~

~~[[(g) Disposal fee paid by the Department for clean yard
trash delivered by permitted small owner operator
landscapers. To encourage delivery of clean yard trash for
recycling purposes, the disposal fee per ton for delivery of
clean yard trash by small owner operator landscaping
business having a current permit issued in accordance with
Section 15-17.1 of this Code at (a) County owned solid
waste management facility(ies), designated for such clean
yard trash disposal by the director, shall be paid by the
Department for the first 75 deliveries, not to exceed 4.4
cubic yard per delivery, through its solid waste collections
fund at the rate paid by waste collections to waste disposal.
For small owner operator landscaper businesses having a
current permit, which have exceeded the specified number
of deliveries paid for by the Department, the permitted
small owner operator landscaper disposal fee shall be
equivalent to the rate established by separate administrative
order for Short Term Disposal, which shall not become
effective until approved by the Board of County
Commissioners.]]~~

>>(g) Disposal fee for permitted landscaping businesses at
the neighborhood trash and recycling center(s) and/or
County-owned solid waste management facilities shall be
established by separate administrative order, which shall
not become effective until approved by the Board of
County Commissioners. <<

Section 8. Section 8CC-10 of the Miami-Dade County Code is hereby amended to read as follows:

Sec. 8CC-10. Schedule of Civil Penalties.

	*	*	*
Code Section	Description of Violation	Civil Penalty	
15-6(b)(10)	Delivery by a [[Small owner operator]] landscaping business of any material other than clean yard trash at a County-owned solid waste management facility >> <u>and/or</u> << neighborhood trash and recycling center	\$250.00	
<u>15-6(b)(12)</u>	<u>>>Deliveries of clean yard trash by a permitted landscaping business to a neighborhood trash and recycling center or Miami-Dade County-owned facilities in a vehicle that does not have a permit</u>	<u>\$250.00</u>	
<u>15-6(b)(13)</u>	<u>Modification of a permitted vehicle to increase the capacity of the vehicle after the vehicle has been permitted</u>	<u>\$250.00</u>	
15-6 (b)(14)	<u>Unlawful use of trailer.</u>	<u>\$250.00<<</u>	

* * *

Section 9. If any section, subsection, sentence, clause or provision of this ordinance is held invalid, the remainder of this ordinance shall not be affected by such invalidity.

Section 10. It is the intention of the Board of County Commissioners, and it is hereby ordained that the provisions of this ordinance, including any sunset provision, shall become and be made a part of the Code of Miami-Dade County, Florida. The sections of this ordinance may be numbered or relettered to accomplish such intention, and the word "ordinance" may be changed to "section," "article," or other appropriate word.

Section 11. This ordinance shall become effective ten (10) days after the date of enactment unless vetoed by the Mayor, and if vetoed, shall become effective only upon an override by this Board.

PASSED AND ADOPTED:

Approved by County Attorney as
to form and legal sufficiency:

KAG

Prepared by:

TH

Thomas H. Robertson